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AG London Branch*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re § Chapter 11
§
HIGHLAND CAPITAL MANAGEMENT, L.P.,¹ § Case No. 19-34054-s gj11
§
Debtor. §

UBS SECURITIES LLC AND UBS AG § Adversary Proceeding
LONDON BRANCH, §
§
Plaintiffs, § No. 21-03020
§
vs. §
§
HIGHLAND CAPITAL MANAGEMENT, L.P., §
§
Defendant. §

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

UBS'S AMENDED WITNESS AND EXHIBIT LIST FOR AUGUST 8, 2022 HEARING

UBS Securities LLC and UBS AG London Branch (together, “UBS”), by and through their undersigned counsel, submit the following witness and exhibit list for the hearing set for 9:30 am Central Time on August 8, 2022, in connection with *Highland Capital Management, L.P.’s Motion to Withdraw its Answer and Consent to Judgment for Permanent Injunctive Relief* [Adv. Dkt. No. 169].

A. WITNESSES THAT UBS MAY CALL TO TESTIFY:

1. James Seery, Jr.;
2. Any witness designated or called by any other party; and
3. Any witness necessary for impeachment or rebuttal.

B. DOCUMENTS UBS MAY USE AS EXHIBITS:

Ex. No.	Exhibit	Offered	Admitted
1	Legal Liability Insurance Policy between Sentinel Reinsurance, Ltd., Highland CDO Opportunity Master Fund, L.P., Highland CDO Holding Company, and Highland Special Opportunities Holdings Company, effective August 1, 2017, as produced by Highland at UBSPROD1973053		
2	Purchase Agreement between Sentinel Reinsurance, Ltd., Highland CDO Opportunity Master Fund, L.P., Highland CDO Holding Company, and Highland Special Opportunities Holdings Company, dated Aug. 7, 2017		
3	Email from Shawn Raver to Rick Swadley, dated September 12, 2018, attaching a June 30, 2018 memorandum entitled, “Tax Consequences of Sentinel Acquisition of HFP/CDO Opportunity Assets,” as produced by Highland at UBSPROD4837351		
4	Judgment on Phase I Trial, entered by the N.Y. Court on February 10, 2020 [NY Dkt. No. 646]		

Ex. No.	Exhibit	Offered	Admitted
5	Decision and Order on Summary Judgment Motions by the N.Y. Court, filed March 24, 2017 [NY Dkt. No. 411]		
6	Email from Beecher to JP Sevilla on June 8, 2017, with subject “ATE Actuary,” as produced by Beecher at BC SEN0000744847		
7	Presentation titled “Settlement Analysis UBS v. H,” as produced by Highland at HCMUBS005251		
8	Sentinel structure organizational chart, notarized by Sarah Bell on January 9, 2018, as produced by Beecher at BC SEN0000133744		
9	Email from Katie Irving on August 16, 2017, with subject “Financials” and attaching Sentinel’s unaudited financial statements for year-end 2016, as produced by Highland at HCMUBS001066		
10	Email from Beecher to JP Sevilla on August 8, 2017, with subject “Draft ATE policy,” as produced by Beecher at BC SEN0000745902		
11	Email attaching CIMA’s Final Onsite Inspection Reports to Sentinel, as produced by Beecher at BC SEN0000078777		
12	Email from Beecher to JP Sevilla and Matt DiOrio on June 6, 2018, with subject “Sentinel,” as produced by Beecher at BC SEN0000668753		
13	[Omitted]		
14	Copy of the Legal Liability Insurance Policy with Endorsements Nos. 1 & 2, as produced by Matt DiOrio at MD_000010		
15	Asset Transfer Agreement, dated as of December 31, 2019, as produced by Highland at UBSPROD020567		
16	Emails between Isaac Leventon, Jim Seery, and Scott Ellington on August 5, 2020, with subject “UBS		

Ex. No.	Exhibit	Offered	Admitted
	Supplemental Information Request,” as produced by Highland at UBSPROD495884		
17	Email from Scott Ellington to Jim Seery and others on August 15, 2020, with subject “UB Diligence Requests: Highland Credit Opportunities CDO Ltd.,” as produced by Highland at UBSPROD1611114		
18	Email from Matt DiOrio on January 28, 2021, with subject “HCM - Greenbriar Pref Shares CDO Fund,” as produced by Highland at UBSPROD1660781		
19	Internal Beecher email on February 6, 2020, attaching Expense Reports for Scott Ellington, as produced by Beecher at BC SEN0000727319		
20	Email between Beecher employees on December 20, 2019, with subject “Ellington - Request Reimbursement,” as produced by Beecher at BC SEN0000663342		
21	CIBC Wire Transfer Debit Advice receipt for Sentinel’s payment of \$4,480,000.00, as produced by Beecher at BC SEN0000123498		
22	CIBC Wire Transfer Debit Advice receipt for Sentinel’s payment of \$1,920,000.00, as produced by Beecher at BC SEN0000004242		
23	Email attaching a letter from Sentinel to CIMA, dated April 26, 2021, with subject “Sentinel Reinsurance, Ltd. (“Sentinel”; License #642423) Notification – Dividend Payment,” as produced by Beecher at BC SEN0000083961		
24	[Omitted]		
25	Transcript of the Deposition of James Dondero (Part 1), dated 5/10/2021		
26	Transcript of the Deposition of James Dondero (Part 2), dated 5/12/2021		

Ex. No.	Exhibit	Offered	Admitted
27	Transcript of the Deposition of Jean Paul Sevilla, dated 7/21/2021		
28	Transcript of the Deposition of Isaac Leventon, dated 7/22/2021 (with redaction)		
29	Transcript of the Deposition of Matthew T. DiOrio, dated 7/23/2021 (with redaction)		
30	Transcript of the Deposition of Scott Ellington, dated 7/29/2021 (with redaction)		
31	Transcript of the Deposition of the 30(b)(6) Representative of Beecher Carlson (Thomas Adamczak), dated 4/12/2022		
32	Transcript of the Deposition of Clifford Stoops, dated April 27, 2021		
33	Transcript of the Deposition of Jeremy Ringheimer, dated April 30, 2021		
34	Highland's Second Amended Responses and Objections to UBS's Interrogatories, dated November 30, 2021		
35	Highland's Amended Responses and Objections to UBS's Requests for Admission, dated September 3, 2021		
36	[Omitted]		
37	Original Complaint for Injunctive Relief [Adv. Dkt. No. 156]		
38	Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction [Adv. Dkt. No. 157]		
39	Appendix of Exhibits to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction [Adv. Dkt. No. 158]		
40	Order Granting Plaintiffs' Motion for a Temporary Restraining Order, as entered on April 9, 2021 [Adv. Dkt. No. 21]		

Ex. No.	Exhibit	Offered	Admitted
41	Highland Capital Management, L.P.'s Motion to Withdraw its Answer and Consent to Judgment for Permanent Injunctive Relief [Adv. Dkt. No. 169]		
42	Declaration of Mr. James P. Seery, Jr. in Support of Highland Capital Management, L.P.'s Motion to Withdraw its Answer and Consent to Judgment for Permanent Injunctive Relief [Adv. Dkt. No. 170]		
43	Decision, Order, and Judgment after Phase II Damages Inquest, entered by the N.Y. Court on July 29, 2022 [NY Dkt. No. 777]		
44	Letter from Highland Financial Partners, L.P to Investors, dated January 27, 2009, as produced by Highland at UBSPROD5028123		
45	Letter from Highland to Highland CDO Opportunity Fund Investors, dated February 4, 2009, as produced by Highland at UBSPROD5052903		
46	Email from Scott Ellington to Isaac Leventon and JP Sevilla on December 1, 2017, with subject "Fwd: PRIVILEGED FW: Multi Strat Cash Projections" attaching Multi-Strat cash projection and distribution allocation, as produced by Highland at UBSPROD020562		
47	Unanimous Written Resolutions of the Board of Directors of Sentinel, dated April 23, 2020, as produced by Beecher at native SEN0000015082		
48	Unanimous Written Resolutions of the Board of Directors of Sentinel, dated January 11, 2021, as produced by Beecher at native SEN0000031379		
49	Email from Beecher to Matt DiOrio, among others, on June 24, 2021, with subject "Sentinel Expenses for Approval," as produced by Beecher at BC SEN0000074289		
50	Transcript of the Deposition of James Seery, dated August 5, 2022		

Ex. No.	Exhibit	Offered	Admitted
51	Transcript of the Deposition of Katie Lucas Irving, dated November 15, 2021		
52	Expert Report of Louis G. Dudney, dated March 8, 2013, as filed under seal as Exhibit 24 to the <i>Appendix to Redeemer Committee of the Highland Crusader Fund and the Crusader Funds' Brief in Support of Motion for Partial Summary Judgment and Joinder in the Debtor's Motion for Partial Summary Judgment on Proof of Claim Nos. 190 and 191 of UBS AG, London Branch and UBS Securities LLC</i> [Dkt. No. 1211]		
53	HFP Termination, Settlement and Release Agreement, dated March 20, 2009, as filed under seal as Exhibit 25 to the <i>Appendix to Redeemer Committee of the Highland Crusader Fund and the Crusader Funds' Brief in Support of Motion for Partial Summary Judgment and Joinder in the Debtor's Motion for Partial Summary Judgment on Proof of Claim Nos. 190 and 191 of UBS AG, London Brance and UBS Securities LLC</i> [Dkt. No. 1211]		
54	All exhibits identified by or offered by any other party at the hearing		
55	All exhibits necessary for impeachment and/or rebuttal purposes		
56	Any pleadings, reports, or other documents entered or filed in the chapter 11 case or related adversary proceedings, including any exhibits thereto		

UBS reserves the right to amend or supplement this witness and exhibit list prior to the hearing.

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DATED this 8th day of August 2022.

Respectfully submitted,

LATHAM & WATKINS LLP

By /s/ Andrew Clubok

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CERTIFICATE OF SERVICE

I, Andrew Clubok, certify that *UBS's Amended Witness and Exhibit List For August 8, 2022 Hearing* was filed electronically through the Court's ECF system, which provides notice to all parties of interest.

Dated: August 8, 2022.

/s/ Andrew Clubok